## Remarks

The Office Action of February 9, 2005 has been carefully considered. Claims 34-49 have been withdrawn from allowance and rejected. Claim 34 has been amended. Applicants respectfully traverse the rejections.

***Claim Rejections—35 U.S.C. § 102***

Claims 34-36 and 38-46 were rejected under 35 U.S.C. § 102(e) as being anticipated by Samuels (U.S. Patent No. 5,848,964). Applicants respectfully traverse the rejection.

Samuels disclose a filter device with an inflatable cuff and a distally facing filter mesh. The inflatable cuff is inflated through an inflation lumen in the elongate member.

Claim 34 recites "a non-inflatable support hoop," which Samuels does not disclose. A non-inflatable support hoop including an articulation region enables the support hoop to be folded to a smaller radius of curvature with lower risk of kinking. The fact that it is non-inflatable means that an inflation lumen need not be included in the elongate member to which the support hoop may be attached, further lowering the profile of the device. In contrast, an inflatable support hoop such as Samuels discloses requires an inflation lumen that increases the profile of the device.

Because Samuels does not disclose each and every element of claim 34, applicants submit that claim 34 is in condition for allowance. As claims 35-37 depend from claim 34 and contain additional elements, applicants submit that these claims are in condition for allowance as well.

Claim 38 recites "a delivery sheath having a proximally facing cavity for accepting the support hoop." The examiner asserts that such a delivery sheath is disclosed in column 4, lines 49-65 of Samuels, which are here reproduced:

> location external to the body of the patient. Both the angle of departure and length of side-arm port 34 may be variable. During manufacture, side-arm port 34 and catheter 14 may be molded from a single piece or, alternatively, side-arm port 34 may be bonded to catheter 14. Preferably, side-arm port 34 features a check valve 35. Side-arm port 34 allows passage of inflation material 36 into inflation lumen 32 via injection with a standard syringe 37. While syringe 37 is attached to side-arm port 34, valve 35 allows inflation material 36 to flow either into or out of inflation lumen 32 so that cuff 12 may be either inflated or deflated. When cuff 12 is inflated and syringe 37 is removed, valve 35 in side-arm port 34 closes by spring action and prevents inflation material 36 from escaping. As a result, cuff 12 is maintained in an inflated state. As an alternative to the check valve arrangement, a standard luer-lock may be used in valve 35.

Applicants have been unable to find, in these lines or anywhere in the disclosure of Samuels, reference to or disclosure of a delivery sheath of any sort, let alone one with a proximally facing cavity for accepting a support hoop.

As Samuels does not disclose each and every element of claim 38, applicants submit that claim 38 is in condition for allowance. As claim 39 depends from claim 38 and contains additional elements, applicants submit that claim 39 is also in condition for allowance.

Claim 40 recites "providing a delivery sheath having a proximally facing cavity for accepting the mouth of the blood permeable sac." As discussed above with respect to claim 38, Samuels does not disclose such a delivery sheath and consequently cannot disclose providing such a sheath. Applicants therefore submit that claim 40 is in condition for allowance. As claims 41-46 depend from claim 40 and contain additional elements, applicants submit that these claims are in condition for allowance as well.

Claims 34-36 were also rejected under 35 U.S.C. § 102(b) as being anticipated by Barbut et al. (U.S. Patent No. 5,662,671). Applicants respectfully traverse this rejection.

Claim 34 recites "a non-inflatable support hoop," which Barbut et al. do not disclose. A non-inflatable support hoop including an articulation region enables the support hoop to be folded to a smaller radius of curvature with lower risk of kinking. The fact that it is non-inflatable means that an inflation lumen need not be included in the elongate member to which the support hoop may be attached, further lowering the profile of the device. In contrast, an inflatable support hoop such as Barbut et al. disclose requires an inflation lumen that increases the profile of the device.

As Barbut et al. does not disclose each and every feature of the claimed invention, applicants submit that claim 34 is in condition for allowance. As claims 35-36 depend from claim 34 and contain additional elements, applicants submit that these claims are in condition for allowance as well.

***Claim Rejections—35 U.S.C. § 103***

Claim 37 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Samuels in view of Barbut et al. (U.S. Patent No. 5,769,816). Applicants respectfully traverse the rejection.

As discussed above, claim 34, from which claim 37 depends, does not disclose a non-inflatable support hoop having an articulation region. Barbut et al. does not remedy this deficiency.

Because Samuels, alone or in view of Barbut et al., does not disclose each and every element of the claimed invention, applicants submit that claim 37 is in condition for allowance.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

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